

Idan fails to disclose the claimed tube having a distal end and a proximal end, a lens located at the distal end of the tube having a partially reflective surface, and a light source located in the tube for emitting light towards the partially reflecting surface. Idan further fails to disclose a light source which comprises a laser diode.

Cameron et al is cited as teaching an optical sight contained in a tube having a distal end and a proximal end defining a channel. It is the Examiner's position that it would have been obvious to add a tube as taught by Cameron et al to the device disclosed by Idan in order to protect the optical elements from external damages and prolong the durability of the device. It is unclear to applicant whether or not the Examiner intends for the modification to include the placing the light source of Idan within the tube as Cameron fails to teach including the light source within the tube. In fact, it would appear that Cameron would teach away from the inclusion of the light source within the tube as col. 1, lines 54-55 of the reference specifically teach that an object of the invention is to have the light emitting device located at a remote location from the firearm.

Cameron et al is also cited as teaching a firearm bore sight comprising a light source such as a laser diode. It is the Examiner's position that it would have been obvious to

replace the LED taught by Idan with the laser diode of Cameron et al in order to enhance the device by providing a homogeneous collimated ray of light and to increase reliability of the device by using a light source better suited for battery operated device and low voltage applications.

The Applicant disagrees with the Examiner's rejections for the following reasons:

Idan has been previously applied by the Examiner and has been extensively discussed in the amendment dated October 25, 2001, pages 4-5. As argued in this amendment, Idan does not disclose a laser diode, a tube or an energizing circuit supplying a pulsating electric current to the laser diode. However, the Examiner has now taken the position that it would have been obvious to modify Idan in view of Cameron in order to arrive at the invention as is now claimed.

Cameron discloses a laser light source in an apparatus for bore sighting, which emits light through the bore of the barrel 14 of a firearm, but there is disclosed no energizing circuit supplying a pulsating current to the laser diode.

Cameron discloses a conventional sight 20 with a tube that is looked through at sighting, but there is no light source in that tube and the lens at the distal end of the tube is not said to have a partially reflecting surface. Cameron discloses a collimating system 26 located outside the sight and also outside

the barrel and including a laser transmitter 40 and a beam splitter 38. Cameron discloses a bore sighting system and not a sight of the kind referred to in the present application and thus, it may be argued that Cameron is irrelevant in connection with the invention as claimed. In any case, Cameron give no hint of modifying the sight 20 by mounting the light source and the beam splitter (the partly reflecting lens) in the tube of the sight. As stated above, it would appear that Cameron would even teach away from the mounting of the light source and the beam splitter within the tube of the sight as one of the objects of the invention is to mount the light source and the beam splitter at a remote location from the firearm. One having ordinary skill in the art would not be motivated to include the laser diode light source, as well as the beam splitter, within the tube of Cameron and then be further motivated to mount this tube on the Idan device. Cameron fails to provide one having ordinary skill in the art any motivation for modifying the sight 20 in order to arrive at the invention as defined in claim 15.

For the reasons set forth above, it is respectfully requested that the rejection of claims 15-18 be withdrawn as the combination of Idan with Cameron fails to render these claims obvious.

Claims 19-21 are rejected under 35 USC 103(a) as being unpatentable over Idan in view of Cameron and further in view of Bindon et al (US 5,924,234).

It is Applicant's position that Bindon fails to add anything to the rejection which would overcome the deficiencies of the Idan/Cameron combination.

For the reasons set forth above, it is respectfully requested that the rejection of claims 19-21 be withdrawn as the combination of Idan with Cameron et al and Bindon et al fails to render these claims obvious.

In the event the Examiner has further difficulties with the allowance of the application, he/she is invited to contact the undersigned attorney by telephone at (412) 380-0725 to resolve any remaining questions or issues by interview and/or by Examiner's amendment as to any matter that will expedite the completion of the prosecution of the application.

Respectfully submitted,

By: Michele K. Yoder  
Michele K. Yoder  
Agent for Applicant  
Registration No. 41,562

JAMES RAY & ASSOCIATES  
2640 PITCAIRN ROAD  
MONROEVILLE, PA 15146

TELEPHONE: 412-380-0725  
FACSIMILE: 412-380-0748